

## Message Text

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ORIGIN OES-06

INFO OCT-01 ARA-06 IO-13 ISO-00 ERDA-05 CIAE-00 EUR-12  
H-01 INR-07 L-03 NSAE-00 OIC-02 OMB-01 PA-01 PM-04  
PRS-01 SAJ-01 SP-02 SS-15 USIA-06 TRSE-00 DODE-00  
NSC-05 ACDA-07 NRC-05 EB-08 FEA-01 /113 R

DRAFTED BY OES/NET/RD:JACOON:SK  
APPROVED BY OES/NET:LVNOSENZO  
ACDA - MR. VANDOREN (DRAFT)  
L/OES - MR. SIEGAL (DRAFT)  
ARA/AND/C - MS. PEDERSON (DRAFT)  
IO/SCT - MS. JILLSON (DRAFT)  
ERDA - MR. HELFRICH (DRAFT)  
PM/NPO - MR. OPLINGER (DRAFT)  
T/D - MR. MCGAFFIGAN (DRAFT)  
-----040411Z 015035 /61

P R 040153Z MAR 77  
FM SECSTATE WASHDC  
TO AMEMBASSY BOGOTA PRIORITY  
INFO USMISSION IAEA VIENNA

C O N F I D E N T I A L STATE 048126

E.O. 11652: GDS

TAGS: ENRG, CO

SUBJECT: EXPIRING AGREEMENT FOR NUCLEAR COOPERATION

1. AS THE EMBASSY IS AWARE, THE AGREEMENT FOR COOPERATION COVERING THE COLOMBIAN RESEARCH REACTOR WILL EXPIRE ON MARCH 28, 1977. THE DEPARTMENT HOPES IN THE NEAR FUTURE TO INITIATE DISCUSSIONS WITH THE GOC LEADING TO CONCLUSION OF A NEW AGREEMENT. HOWEVER, THE USG IS NOW ENGAGED IN A COMPREHENSIVE REVIEW OF OUR NON-PROLIFERATION AND NUCLEAR EXPORT POLICIES, INCLUDING THE CONDITIONS WHICH WE WILL CONFIDENTIAL

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SEEK IN FUTURE BILATERAL AGREEMENTS. WE WOULD HOPE TO COMMENCE NEGOTIATIONS WITH COLOMBIA AFTER POLICY DECISIONS ARE MADE ON THE BASIS OF THIS OVERALL REVIEW. ONCE A NEW AGREEMENT HAS BEEN SUCCESSFULLY NEGOTIATED, IT MUST BE APPROVED BY THE PRESIDENT AND LIE BEFORE CONGRESS FOR 60 DAYS (OR FOR 30 DAYS IF EXPRESSLY LIMITED TO THE 20 KW REACTOR). IT IS APPARENT, THEREFORE, THAT THERE WILL NOT BE ENOUGH TIME TO NEGOTIATE AND BRING INTO FORCE A NEW AGREEMENT BEFORE THE OLD ONE EXPIRES.

2. PENDING RENEGOTIATION OF THE AGREEMENT, THE USG ATTACHES VERY GREAT IMPORTANCE TO MAINTAINING THE SAFEGUARDS AND GUARANTEES PROVIDED IN OUR BILATERAL AGREEMENT AND PROLONGING THOSE SAFEGUARDS CONTAINED IN THE TRILATERAL

US-COLOMBIA-IAEA AGREEMENT. THE US POSITION HAS BEEN THAT IF THE BILATERAL AGREEMENT EXPIRES, THE SAFEGUARDS AND COLOMBIAN GUARANTEES CONTINUE, E.G., US BACKUP SAFEGUARDS, THE RIGHT OF PRIOR US APPROVAL FOR ANY REPROCESSING OR TRANSFER OF THE US-SUPPLIED FUEL MATERIAL, AND THE GUARANTEE ON NON-MILITARY USES. HOWEVER, THE AGREEMENT DOES NOT SPECIFICALLY STATE THAT THE US BILATERAL RIGHTS AND COLOMBIAN OBLIGATIONS EXTEND INDEFINITELY, AND COLOMBIA WOULD CONTENTEND THAT THE RIGHTS AND OBLIGATIONS EXPIRE WITH THE AGREEMENT.

3. THE TRILATERAL SAFEGUARDS AGREEMENT, WHICH PROVIDES FOR IAEA SAFEGUARDS AND INSPECTION, IS COTERMINOUS WITH THE BILATERAL, ALTHOUGH CERTAIN IAEA SAFEGUARDS WOULD CONTINUE. THE TRILATERAL CAN BE PROLONGED IN ITS ENTIRETY BY AGREEMENT AMONG THE PARTIES CONCERNED, AND WE UNDERSTAND THAT SUCH AN EXTENSION COULD BE APPROVED BY THE IAEA DIRECTOR GENERAL WITHOUT REFERENCE TO THE BOARD OF GOVERNORS.

4. THE EMBASSY IS INSTRUCTED TO APPROACH THE GOC AT A CONFIDENTIAL

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SUFFICIENTLY HIGH LEVEL TO FACILITATE EXPEDITIOUS ACTION WITH A VIEW TO EXCHANGING NOTES CONTINUING IN EFFECT SAFEGUARDS AND GUARANTEE PROVISIONS OF THE EXPIRING BILATERAL. WE ALSO PROPOSE TO SIGN A PROTOCOL WITH COLOMBIA AND THE IAEA PROLONGING IN EFFECT THE TRILATERAL AGREEMENT. PROPOSED LANGUAGE FOR THESE NOTES AND THE PROTOCOL IS CONTAINED IN PARAS EIGHT-TEN.

5. WE HAVE OBTAINED CIRCULAR 175 AUTHORITY TO EXCHANGE NOTES WITH COLOMBIA AND THE AMBASSADOR IS AUTHORIZED TO SIGN, SUBJECT TO THE DEPARTMENT'S APPROVAL OF ANY SUBSTANTIVE CHANGES. THE EMBASSY IS REQUESTED TO ASCERTAIN WHETHER THE GOC WOULD BE AMENABLE TO SIGNING THE PROTOCOL IN VIENNA. THE DEPARTMENT WILL PROVIDE SIGNING AUTHORITY WHEN AND IF NECESSARY TO THE US PERMREP TO THE IAEA IN VIENNA.

6. THE EMBASSY WILL NOTE THAT THE DRAFT LANGUAGE OF THE NOTES INCLUDES A PARAGRAPH CONFIRMING THAT COLOMBIA WILL NOT USE MATERIAL OR EQUIPMENT SUBJECT TO OUR AGREEMENT IN ANY NUCLEAR EXPLOSIVE DEVICE. THE LANGUAGE IS DESIGNED TO MAKE CLEAR OUR UNDERSTANDING THAT ARTICLE NINE IN THE 1962 BILATERAL AGREEMENT PRECLUDES USE IN ANY NUCLEAR EXPLOSIVE DEVICE. WE EXPECT TO INCLUDE SIMILAR

LANGUAGE IN ALL OUR NEW OR AMENDED AGREEMENTS FOR COOPERATION.

7. IN YOUR APPROACH TO THE GOC, YOU MAY ASSURE THEM OF OUR DESIRE TO NEGOTIATE AND CONCLUDE A NEW AGREEMENT IN THE NEAR FUTURE, AND YOU MAY DRAW ON PARA ONE OF THIS MESSAGE TO EXPLAIN THE NEED FOR INTERIM COVERAGE. YOU SHOULD BE AWARE, HOWEVER, THAT THE NRC WILL NOT LICENSE EXPORTS OF NUCLEAR FUEL IF AN AGREEMENT FOR COOPERATION IS NOT IN EFFECT AND THAT THE EXCHANGE OF NOTES, WHILE EXTENDING THE SAFEGUARDS, IS NOT A SUFFICIENT BASIS FOR US EXPORT LICENSING. WE ARE AWARE THAT COLOMBIA IS CONFIDENTIAL

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RENTLY ENGAGED IN DISCUSSIONS WITH AN AMERICAN FIRM ON THEIR FUEL REQUIREMENTS, AND WE WOULD HOPE TO GIVE EXPEDITIOUS CONSIDERATION TO A LICENSE APPLICATION ONCE A NEW AGREEMENT ENTERS INTO FORCE.

8. TEXT OF PROPOSED US NOTE FOLLOWS: BEGIN TEXT.  
(COMPLIMENTARY OPENING) AND HAS THE HONOR TO REFER TO THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA CONCERNING CIVIL USES OF ATOMIC ENERGY WHICH WAS SIGNED AT WASHINGTON ON APRIL 9, 1962, AS AMENDED BY THE AGREEMENT SIGNED ON FEBRUARY 24, 1967.

THE AGREEMENT FOR COOPERATION, AS AMENDED, WILL, BY ITS TERMS, EXPIRE ON MARCH 28, 1977. THE GOVERNMENT OF THE UNITED STATES AFFIRMS ITS DESIRE TO CONCLUDE A NEW AGREEMENT FOR COOPERATION WITH THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA TO CONTINUE COOPERATION WITH THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA IN THE PEACEFUL USES OF ATOMIC ENERGY.

THE GOVERNMENT OF THE UNITED STATES NOTES WITH APPRECIATION THE AGREEMENT OF THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA WITH THE UNDERSTANDINGS EXPRESSED IN THIS NOTE. SPECIFICALLY, BOTH GOVERNMENTS RECOGNIZE THE CONTINUING EFFECT OF THE SAFEGUARDS AND GUARANTEE PROVISIONS OF THE AGREEMENT FOR COOPERATION, AS AMENDED; AND THAT THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AFFIRMS THAT IT WILL HOLD MATERIAL, EQUIPMENT AND DEVICES WHICH IT OR AUTHORIZED PERSONS UNDER ITS JURISDICTION HAVE RECEIVED UNDER THE AGREEMENT FOR COOPERATION, INCLUDING SPECIAL NUCLEAR MATERIAL PRODUCED BY THE USE OF SUCH EQUIPMENT OR DEVICES, SUBJECT TO THE TERMS AND CONDITIONS OF THAT AGREEMENT AND TO THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE UNITED STATES OF CONFIDENTIAL

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AMERICA FOR THE APPLICATION OF SAFEGUARDS WHICH WAS SIGNED AT VIENNA ON DECEMBER 9, 1970. IT IS AGREED THAT THESE SAFEGUARDS AND GUARANTEES SHALL CONTINUE IN FORCE UNTIL OTHERWISE MUTUALLY AGREED BETWEEN OUR TWO GOVERNMENTS.

FURTHER, ON THIS OCCASION THE GOVERNMENT OF THE UNITED STATES NOTES THE UNDERSTANDING OF THE REPUBLIC OF COLOMBIA THAT NO MATERIAL, EQUIPMENT AND DEVICES, INCLUDING SPECIAL NUCLEAR MATERIAL PRODUCED BY THE USE OF SUCH EQUIPMENT AND DEVICES, SUBJECT TO THE AGREEMENT FOR COOPERATION, AS AMENDED, MAY BE USED FOR ANY NUCLEAR EXPLOSIVE DEVICE, OR FOR RESEARCH ON OR DEVELOPMENT OF ANY SUCH DEVICE, REGARDLESS OF HOW THE DEVICE ITSELF IS INTENDED TO BE USED. END TEXT.

9. TEXT OF PROPOSED COLOMBIA NOTE: BEGIN TEXT. (COMPLIMENTARY OPENING) AND HAS THE HONOR TO REFER TO THE EMBASSY'S NOTE OF ( ), CONCERNING THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING CIVIL USES OF ATOMIC ENERGY, AS AMENDED.

THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA CONFIRMS ITS AGREEMENT WITH THE UNDERSTANDINGS SET FORTH IN THE EMBASSY'S NOTE. THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AGREES THAT THESE UNDERSTANDINGS SHALL CONTINUE IN FORCE UNTIL OTHERWISE MUTUALLY AGREED BETWEEN OUR TWO GOVERNMENTS.

THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA CONFIRMS ITS UNDERSTANDING THAT NO MATERIAL, EQUIPMENT AND DEVICES, INCLUDING SPECIAL NUCLEAR MATERIAL PRODUCED BY THE USE OF SUCH MATERIAL, EQUIPMENT AND DEVICES, SUBJECT TO THE AGREEMENT FOR COOPERATION, AS AMENDED, MAY BE USED FOR ANY NUCLEAR EXPLOSIVE DEVICE, OR FOR RESEARCH ON OR  
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DEVELOPMENT OF ANY SUCH DEVICE, REGARDLESS OF HOW THE DEVICE ITSELF IS INTENDED TO BE USED. END TEXT.

10. TEXT OF TRILATERAL PROTOCOL: BEGIN TEXT. TITLE: PROTOCOL PROLONGING THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS. THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA,

IN LIGHT OF THE AGREEMENT BETWEEN THE INTERNATIONAL ATOMIC ENERGY AGENCY, THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE APPLICATION OF SAFEGUARDS WHICH WAS SIGNED AT VIENNA ON DECEMBER 9, 1970 (SAFEGUARDS AGREEMENT),

RECOGNIZING THAT THE SAFEGUARDS AGREEMENT WILL REMAIN IN FORCE DURING THE TERM OF THE AGREEMENT FOR COOPERATION BETWEEN THE GOVERNMENT OF THE REPUBLIC OF COLOMBIA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA CONCERNING CIVIL USES OF ATOMIC ENERGY SIGNED ON APRIL 9, 1962, AS AMENDED BY THE AGREEMENT SIGNED ON FEBRUARY 24, 1967 WHICH AGREEMENT WILL, BY ITS TERMS, EXPIRE ON MARCH 28, 1977,

FURTHER, RECOGNIZING THAT ARTICLE 33 OF THE SAFEGUARDS AGREEMENT PROVIDES THAT THE AGREEMENT MAY BE PROLONGED FOR FURTHER PERIODS AS AGREED BY THE PARTIES,

AGREE THAT THE SAFEGUARDS AGREEMENT SHALL CONTINUE IN FORCE DURING SUCH PERIOD OR PERIODS AS NUCLEAR MATERIALS, EQUIPMENT OR FACILITIES ARE LISTED IN AN INVENTORY ESTABLISHED BY SECTIONS NINE OR TEN OF THE SAFEGUARDS  
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AGREEMENT.

DONE AT VIENNA, THIS ( ) DAY OF ( ), 1977, IN TRIPLICATE IN THE ENGLISH LANGUAGE. END TEXT.  
VANCE

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<< END OF DOCUMENT >>

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 22-Sep-1999 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENTS, NUCLEAR COOPERATION PROGRAMS  
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**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
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**Disposition Remarks:**  
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**Executive Order:** 11652 GDS  
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**Original Handling Restrictions:** n/a  
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**TAGS:** ENRG, TECH, CO, US  
**To:** BOGOTA INFO IAEA VIENNA  
**Type:** TE  
**vdkgvwkey:** odb://SAS/SAS.dbo.SAS\_Docs/25a201b0-c288-dd11-92da-001cc4696bcc  
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